



# The British Columbia Gazette.

PUBLISHED BY AUTHORITY.

Vol. XXI.]

VICTORIA, DECEMBER 31st, 1881.

[No. 52.]

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PROVINCIAL SECRETARY'S OFFICE,  
24th December, 1881.

**M**ONDAY, the 26th, Tuesday, the 27th, and Wednesday, the 28th instant, and Monday, the 2nd, and Tuesday, the 3rd proximo, will be observed as Holidays at the Public Offices, which will be closed on those days.

By Command.

T. B. HUMPHREYS,  
*Provincial Secretary.*

## Proclamations.

[L.S.] CLEMENT F. CORNWALL.  
CANADA.

PROVINCE OF BRITISH COLUMBIA.

**V**ICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, &c., &c., &c.

To Our faithful the Members elected to serve in the Legislative Assembly of Our Province of British Columbia, and summoned and called to a meeting of the Legislature or Parliament of Our said Province, at Our City of Victoria, on Monday, the Nineteenth day of December instant, to have been commenced and held, and every of you—GREETING.

### A PROCLAMATION.

GEO. A. WALKER, } **W**HEREAS the meeting of the Legislature or Parliament of the Province of British Columbia, stands called for Monday, the Nineteenth day of December instant, at which time, at Our City of Victoria, you were held and constrained to appear.

**NOW KNOW YE**, that for divers causes and considerations, and taking into consideration the ease and convenience of Our loving subjects, We have thought fit, by and with the advice of Our Executive Council of the Province of British Columbia, to relieve you, and each of you, of your attendance at the time aforesaid; hereby convoking, and by these presents enjoining you, and each of you, that on **TUESDAY**, the **TENTH** day of the month of **JANUARY** next, you meet Us in Our said Legislature or Parliament of Our said Province, at Our City of Victoria, and therein to do as may seem necessary. Herein fail not.

**IN TESTIMONY WHEREOF**, We have caused these Our Letters to be made Patent, and the Public Seal of the said Province to be hereunto affixed: **WITNESS**, the Honourable CLEMENT FRANCIS CORNWALL, Lieutenant-Governor of Our said Province of British Columbia, in Our City of Victoria, in Our said Province, this Sixteenth day of December, in the year of Our Lord One thousand eight hundred and eighty-one, and in the forty-fifth year of Our Reign.

By Command.

E. A. LEIGH,  
*Deputy Registrar,*  
Victoria Judicial District.

## Government Notices.

42 VIC., CAP. 28, STATUTES OF BRITISH COLUMBIA.

### PUBLIC DEBT REDEMPTION.

GOVERNMENT OF BRITISH COLUMBIA.

**N**OTICE IS HEREBY GIVEN, in accordance with the Statute, that the following Debentures, issued under the authority of the above Act, will be redeemed on presentation at the Treasury, Victoria, B. C., on the 10th July, 1882, and that all Interest on the said Debentures will cease on that date:—

Numbers 3, 19, 29, 30, 32, 49, 51, 52, 73, 90, 91.

JAMES JUDSON YOUNG,  
*Deputy-Treasurer.*

Treasury, Victoria,  
29th December, 1881.



## NOTICE.

THE date for the completion of any Assessment Roll incomplete on the 31st ultimo, has been extended by the Lieutenant-Governor in Council to the 30th instant, and the final revision of such Rolls to the 31st December, 1881.

By Command.

T. ELWYN,

*Deputy Provincial Secretary.*

*Provincial Secretary's Office,  
7th November, 1881.*

PROVINCIAL SECRETARY'S OFFICE,  
29th November, 1881.

THE REGULATIONS for the open Competitive Examination for the Civil Service of India, in 1882, can be seen at this office, on application.

T. B. HUMPHREYS,  
*Provincial Secretary.*

## PUBLIC NOTICE.

## LILLOOET DISTRICT.

SEALED TENDERS, properly endorsed, will be received by the undersigned, up to 12 o'clock noon of 20th January next, for the right of maintaining a Ferry across the Fraser River, at Lillooet, for a term of five years.

The Contractor shall provide and maintain a substantial ferry boat, and proper tackle for working the same.

Any Government ferry plant now at this place will be at the disposal of the Contractor for use in plying such ferry.

Tenders to state the rate of toll for every—

Passenger,  
Loaded animal,  
Unloaded animal,  
Freight waggon,  
Spring waggon or buggy,  
Cattle and horses,  
Sheep, pig, or goat,

And such other terms as the bidder may consider advisable.

All Officers of the Provincial Government, with their animals and freight, to pass free.

The competition will be on the amount of rent payable by bidders to the Government, or, if no rent be offered, on such other terms as may be submitted by them. The Government to have the right of selecting such Tender as they may consider most favourable to them.

With each Tender must be submitted the names of two responsible parties, willing to sign a Bond for the sum of \$250 as security for the faithful carrying out of the contract.

GEO. A. WALKEM,

*Chief Commissioner of Lands & Works.*

*Lands & Works Department,  
Victoria, November 1st, 1881.*

## PUBLIC NOTICE.

## KOOTENAY DISTRICT.

SEALED TENDERS, properly endorsed, will be received by the undersigned, up to noon of the 27th of January next, for the right of maintaining a Ferry, for a period of five years, at a point situated on the Kootenay River at the mouth of the St. Mary's River; the ferry right to extend five miles above and five miles below said point.

The party to whom the charter may be awarded shall have the right to collect the following Tolls viz.:

For every passenger.....	\$0 50
Do. loaded animal.....	1 00
Do. unloaded animal.....	50
Do. head of cattle, sheep, hogs, &c.	25

The competition will be on the amount of rent payable to the Government.

With each Tender must be submitted the names of two responsible parties, willing to sign a Bond for the sum of \$500 for the faithful carrying out of the agreement.

GEO. A. WALKEM,

*Chief Commissioner of Lands & Works*

*Lands & Works Department,  
Victoria, 1st November, 1881.*

## PUBLIC NOTICE.

## KAMLOOPS DIVISION—YALE DISTRICT.

SEALED TENDERS, properly endorsed, will be received by the undersigned, up to 12 o'clock noon of 20th January next, for the right of maintaining a Ferry across the Thompson River, at Savona's, for a term of five years.

The Contractor shall provide and maintain a substantial ferry boat, and proper tackle for working the same.

Any Government ferry plant now at this place will be at the disposal of the Contractor for use in plying such ferry.

Tenders to state the rate of toll for every—

Passenger,  
Loaded animal,  
Unloaded animal,  
Freight waggon,  
Spring waggon or buggy,  
Cattle and horses,  
Sheep, pig, or goat.

And such other terms as the bidder may consider advisable.

All Officers of the Provincial Government, with their animals and freight, to pass free.

The competition will be on the amount of rent payable by bidders to the Government, or, if no rent be offered, on such other terms as may be submitted by them. The Government to have the right of selecting such Tender as they may consider most favourable to them.

With each Tender must be submitted the names of two responsible parties, willing to sign a Bond for the sum of \$250 as security for the faithful carrying out of the contract.

GEO. A. WALKEM,

*Chief Commissioner of Lands & Works.*

*Lands & Works Department,  
Victoria, B.C., November 12th, 1881.*

## PUBLIC NOTICE.

## CARIBOO DISTRICT.

NOTICE IS HEREBY GIVEN that Section 15, Group 1, Cariboo District, containing 181 acres, has been surveyed for Mr. John Girod; and the same will be offered for sale at Public Auction, at the Office of the Government Agent, Barkerville, on Friday, the 20th day of January, 1882, at noon, at the upset price of one dollar per acre.

GEO. A. WALKEM,

*Chief Commissioner of Lands & Works.*

*Lands & Works Department,  
Victoria, B.C., December 1st, 1881.*

## NOTICE TO CLAIMANTS OF LAND.

## NEW WESTMINSTER DISTRICT.

NOTICE IS HEREBY GIVEN that Lot 471, Group 1, New Westminster District, has been surveyed, and a map of same can be seen at the Lands and Works Department, Victoria, and at the Office of J. C. Hughes, Esq., Commissioner, New Westminster. Claimants to any portion of this land should prove up their claims as provided by the "Land Act, 1875."

GEO. A. WALKEM,

*Chief Commissioner of Lands & Works.*

*Lands & Works Department,  
Victoria, November 17th, 1881.*

## HIGHWAY NOTICE.

## NEW WESTMINSTER DISTRICT.

NOTICE IS HEREBY GIVEN that the Highway established by Gazette Notice, dated 28th May, 1881, is hereby reduced in width from 66 feet to 33 feet, measuring 16½ feet on each side of the quarter section line running East and West through Section 8, Township 7.

GEO. A. WALKEM,

*Chief Commissioner of Lands & Works.*

*Lands & Works Department,  
Victoria, B.C., November 12th, 1881.*



**PUBLIC HIGHWAYS.****SOUTH SAANICH.**

**N**OTICE IS HEREBY GIVEN that the following Highways, 40 feet in width, are hereby established in South Saanich District, viz:—

A Highway along the range line between Ranges 4 and 5 East, through Section eleven (11), and 20 feet on each side of said line.

A Highway commencing at a point where the East Saanich Road crosses the line between Sections 14 and 15; thence due East along said section line, through Ranges 4, 5, and 6 East, to the sea-shore, and 20 feet on each side of said line.

A Highway along the range line between Ranges 4 and 5 East, through Section fifteen (15), and 20 feet on each side thereof. This line is intended to vary and is in substitution of an existing line of road which runs through Section 15 in a north-westerly direction, and which shall hereafter be discontinued, as provided by Section 73 of the "Land Act, 1875."

GEO. A. WALKEM,  
*Chief Commissioner of Lands & Works.*

*Lands & Works Department,  
Victoria, October 21st, 1881.*

**PUBLIC HIGHWAY.****COWICHAN DISTRICT.**

**N**OTICE IS HEREBY GIVEN that the following Highway, 30 feet in width, is hereby established, viz:—

Commencing at a point where the line between Sections 8 and 9, Range 1, South Division of Salt Spring Island, intersects the waggon road from Fulford Harbour to Burgoyne Bay; thence in a South-westerly direction along the said section line, a distance of twenty-five chains, more or less, and 15 feet on each side thereof.

GEO. A. WALKEM,  
*Chief Commissioner of Lands & Works.*

*Lands and Works Department,  
Victoria, B.C., October 22nd, 1881.*

**NOTICE TO CLAIMANTS OF LAND.****NANAIMO DISTRICT.**

**N**OTICE IS HEREBY GIVEN that Section 9, Nanaimo District, has been surveyed for Mr. J. Biggs, and a map of same can be seen at the Lands & Works Office, Victoria, and at the Office of Marshal Bray, Esq., Commissioner, Nanaimo.

Claimants to any portion of this land should prove up their claims as provided by the "Land Act, 1875."

GEO. A. WALKEM,  
*Chief Commissioner of Lands & Works.*  
*Lands & Works Department,  
Victoria, November 17th, 1881.*

**HIGHWAY NOTICE.****ESQUIMALT DISTRICT.**

**N**OTICE IS HEREBY GIVEN that a Public Highway, 66 feet in width, is hereby established, as follows, viz:—

Commencing at the north-east corner of Suburban Lot 25, Esquimalt District; thence north, along the line between Suburban Lots 53 and 54, Esquimalt District, to its intersection with the shore line of Esquimalt Harbour, and having a width of 66 feet throughout, measured to the east of said line.

GEO. A. WALKEM,  
*Chief Commissioner of Lands & Works.*  
*Lands & Works Department,  
Victoria, December 3rd, 1881.*

**Miscellaneous Notices.****DOMINION PARLIAMENT.****Substance of Rules Relating to Notices for Private Bills.**

**P**ARTIES intending to apply to Parliament for Private Bills giving any exclusive privilege or profit, or private or corporate advantage, or for the amendment of any former Act of a like nature, are notified that by the Rules of the two Houses of Parliament, published at length in the *Canada Gazette*, they are required to give two months' notice of their intended application in the *Canada Gazette*, and in a newspaper of the County or District affected, and to transmit to the Clerk of each House copies of the newspapers containing the first and last insertion of such notice.

In Quebec and Manitoba, the Notice is to be published in the English and French languages.

Every applicant for a Private Bill is required, eight days before the opening of Parliament, to deposit with the Clerk of the House in which the Bill is to originate, a copy of such Bill, with a sum sufficient to pay for the translation and printing of the same.

Between the second reading of the Bill and its consideration by the Committee to whom it is referred, the applicant is to pay a fee of \$200, besides the cost of printing the Act in the Statutes.

No petition for a Private Bill is received by either House after the expiration of the first ten days of the Session.

ROBERT LEMOINE,  
*Clerk of the Senate.*

JOHN GEORGE BOURINOT,  
*Clerk of the Commons,  
Ottawa, 1st October, 1881. Canada.*

**LEGISLATIVE ASSEMBLY.****Private Bills.**

**A**LL APPLICATIONS for Private Bills, properly the subject of legislation by the Legislative Assembly of British Columbia, within the purview of the "British North America Act, 1867," whether for the erection of a Bridge, the making of a Railroad, Turnpike Road, or Telegraph Line; the construction or improvement of a Harbour, Canal, Lock, Dam, or Slide, or other like work; the granting of a right of Ferry; the incorporation of any particular trade or calling, or of any Joint Stock Company; or otherwise for granting to any individual or individuals any exclusive or peculiar rights or privileges whatever, or for doing any matter or thing which in its operation would affect the rights or property of other parties, or relate to any particular class of the community; or for making any amendment of a like nature to any former Act,—shall require a Notice, clearly and distinctly specifying the nature and object of the application, to be published as follows:—

A notice inserted in the *BRITISH COLUMBIA GAZETTE*, and in one newspaper published in the District affected, or if there be no newspaper published therein, then in a newspaper in the next nearest District in which a newspaper is published.

Such notice shall be continued in each case for a period of at least six weeks, during the interval of time between the close of the next preceding Session and the consideration of the Petition.

Before any Petition, praying for leave to bring in a Private Bill for the erection of a Toll Bridge, is presented to the House, the person or persons intending to petition for such Bill shall, upon giving the notice prescribed by the preceding rule, also at the same time and in the same manner, give notice of the rates which they intend to ask, the extent of the privilege, the height of the arches, the interval between the abutments or piers for the passage of rafts and vessels, and mentioning also whether they intend to erect a draw-bridge or not, and the dimensions of the same.

THORNTON FELL,  
*Clerk of the Legislative Assembly.*



## LEGAL NOTES.

## IN THE SUPREME COURT.

CREASE, J.

13th Oct., 1881.

*Certiorari.*

STEPHEN JONES, Appellant,

v.

JUSTICES OF ESQUIMALT, Respondents.

## JUDGMENT.

This was a hearing upon the return to a *Certiorari*, issued at the instance of one Stephen Jones against the Justices of Esquimalt, by whom he had been convicted of selling liquor without a licence in the International Hotel, Esquimalt.

The conviction was of the following tenor:—

That the said Stephen Jones was convicted before the Esquimalt Magistrates on the 27th day of July, A.D. 1881, for that he did on the 22nd July, 1881, at his house, called the International Hotel, at Esquimalt, use, practice, carry on, or exercise the profession or business of a retail liquor vendor, without having taken out and had granted to him a licence in that behalf; and was by them adjudged for his said offence to forfeit and pay the sum of \$150 to John D. Campbell the Constable at Esquimalt, together with \$13 for costs; and if the said several sums were not paid forthwith, or on or before the 3rd day of August then next, it was ordered that the same should be levied by distress and sale of the goods and chattels of the said Stephen Jones, and in default of sufficient distress that the said Stephen Jones should be imprisoned for three calendar months.

The *Certiorari* was issued on the grounds—

That the Magistrates had no jurisdiction; that the conviction given to the prisoner, if it disclosed an offence, did so in the alternative of several offences, and was therefore bad; that the facts alleged to have been proven in the conviction did not amount to an offence; that the penalty inflicted was illegal; and that ordering the payment to be made to Campbell was also illegal.

It came on for hearing, on the return of the writ, before the Honorable Mr. Justice Crease, in the Supreme Court, on Thursday the 13th October 1881.

*Mr. Drake* of Counsel for Stephen Jones.

*Mr. A. E. B. Davie* and *Mr. Eli Harrison* for the Justices.

An amended conviction was put in.

In this, Stephen Jones is convicted before the Magistrates therein named "for that he, the said Stephen Jones, did on the 22nd July, 1881, at his house, called the International Hotel," at Esquimalt, in which "on the day and year aforesaid was kept by the said Stephen Jones a Bar, displayed to the gaze of the public and stocked with spirituous and fermented liquors by retail, by supplying at the time and place, and at the bar aforesaid, to Joseph Miller, Frank Saunders, William Arthur, John D. Campbell, Richard Keeler, and John D. Sovereign, at the request of and for money then paid by the said Joseph Miller to him the said Stephen Jones, spirituous and fermented liquor by retail, without his having taken and had granted to him any licence in that behalf.

"And they adjudged the said Stephen Jones, for his said offence, to forfeit and pay the sum of one hundred and fifty dollars to John Donald Campbell, Constable at Esquimalt, who" it goes on to say "is hereby authorized to receive the same, to be paid and applied according to law; and also to pay to the said John Donald Campbell, the prosecutor and by whom the information herein was laid, the sum of thirteen dollars for his costs in this behalf; and if the said several sums be not paid forthwith, we order that the same be levied by distress and sale of the goods and chattels of the said Stephen Jones; and in default of sufficient distress we adjudge that the said Stephen Jones be imprisoned in the common gaol, at Victoria, in the said Province, for the space of three calendar months. Given under our hands and seals the day and year first above-mentioned, at Esquimalt, in the District aforesaid.

(Signed) "Wm. Fisher, J.P.

"J. H. Innes, J.P.

"Michael Muir, J.P."

*Mr. Drake* considered that notwithstanding the amendment the conviction was as bad as before.

That the offence though now rightly described had not been committed, for the return showed only one instance of a sale of liquor without a licence, and this was only one, and did not constitute a carrying on a

trade or business in liquor, and so no offence having been proved there was no jurisdiction, and therefore the conviction was bad.

That the addition of five names of parties who had received the liquor at the time of the alleged offence was an alteration of substance which was not allowed, as it either created a distinct offence or made that which was no offence into an offence, and therefore the conviction was bad.

That Jones considered he had a right to sell liquor, as the return showed a receipt, and therefore some kind of authority, by three Esquimalt Magistrates for \$30 for a rural liquor licence, and that being the case he was merely trying a right and should not consequently have been convicted.

That the penalty—\$150—was wrong, as it did not follow the Act—that said a penalty and the cost of a licence. Too little was as bad as too much, and therefore the conviction was bad.

That the making the fine payable to Campbell, who had not been pointed out by the Act to receive it, was also a fatal defect.

*Mr. A. E. B. Davie* and *Mr. Eli Harrison, Jr.*, in reply, contended that *Jervis's Acts* alone, and not the *Feminion Acts* relating to summary convictions set out in *Kerr's Magistrate*, applied to offences against local laws, and the amendments to the conviction were by them quite allowable and in accord with the facts, citing the careful minutes of the evidence taken before the Magistrates in support.

That the five names now inserted were those stated in the minutes as having been supplied with liquor, and were properly inserted; they had been left out by mistake.

That the facts shewed Jones had no licence, and therefore no right to sell liquor.

That the penalty—\$150—included the \$30 which the minutes shewed was the charge for a rural liquor licence, and the Act said they were to be considered as one penalty, and it was therefore good.

That the naming of Campbell to receive the fine was merely for a ministerial act, and in the state of our law not only admissible but convenient, nay necessary where there is no Clerk of the Peace, and claimed that the conviction was good and should be sustained.

CREASE, J.—I observe that *Paley on Summary Convictions*, which I much prefer in some respects to *Kerr's Magistrates' Acts*, particularly as it specially applies to offences created by our local legislature, in describing the effect of *Jervis's Acts on Summary Convictions*, states that the Magistrate is not precluded from drawing up and returning a conviction in a formal shape. This, when so drawn up, is to be taken as the only authentic record of the proceedings; for the conviction returned to the Sessions or the Court of Queen's Bench is the only one of which those Courts respectively can take notice: and this drawing up and return of a formal conviction may take place after levy and distress if the amended conviction be conformable to the facts as they really took place; and, I would add, recorded in the minutes. The fresh conviction must also be drawn up before the former is quashed for informality or the defendant been discharged for such cause, even though the conviction may not have been removed or quashed.

In point of fact, before this Statute, the constant practice of the Justices, at the time of their judgment, was merely to take minutes of the charge, examination, and other proceedings without attention to precise form, to serve as memoranda for drawing up a more formal statement if they should be required to file the conviction at the Sessions or return it to a writ of *Certiorari*. Nor was there, provided the statement was warranted by the facts, any legal objection to this method which the Court of Queen's Bench had been in the habit of recognizing; and that I think would be a good plan for the Magistrates to follow now, where from want of experience in the law, or other reason, they may not be prepared at once to draw up a formal conviction. Indeed, it is allowed that the formal conviction may be drawn up at any time before it is acted upon (*Bott v. Ackroyd*, 28 L. J. M. C., 201) and before the return of the *Certiorari*, although after a commitment (*Massey v. Johnson*, 12 East. 82), or after the penalty has been levied by distress (*R. v. Barker*, 1 East. 86), or after action brought against the Magistrate (*Lindsay v. Leigh*, 11 Q. B. 455; *Massey v. Johnson* 12 East. 82; *Gray v. Cookson*, 16 East. 13), and as I have before remarked even after the Magistrate has delivered to the defendant a copy of the conviction (*R. v. Richards*, 5 Q. B. 926; *Selwood v. Mount*, 9 C. & P. 75; *Chaney v. Payne*, 1 Q. B. 723). It must be borne in mind, however, that the above remarks apply only to local offences, not offences against the ordinary criminal law; and that these



amendments, according to circumstances, are subject at times to payment of costs occasioned by the mistakes they may have contained, and the expense and trouble to which they may have put the defendant. Counsel claimed that these (*Jerris's Summary Conviction Statutes*) applied to local offences not created by Dominion law, and that I consider under Sec. 1, cap. 31 of the Dominion Act of 1869, is the case.

The Dominion Acts relating to summary convictions by Magistrates, set forth at length and commented on in *Kerr's Magistrate*, are Chapter 31 of 32 and 33 Vic., 1869, and the Acts relating thereto, *e.g.*, 40 Vic., c. 27, 1877.

These Acts and the Dominion Indictable Offences Act (cap. 30 of 32 and 33 Vic.), relate to the treatment of crimes and offences under the Criminal Law of the Dominion. *Jerris's Acts*, which have been in force in British Columbia since 1858, still apply, as I have stated, to offences created by the local legislature, such as Licence Laws, Liquor Laws, and the like. I call attention to this, for it is not generally known, or if known not sufficiently regarded, that the amending clause (sec. 68, of cap. 31 of 32 and 33 Vic., 1869) only allows of amendments in matters of form—the words “of form or otherwise,” the Supreme Court has decided, after long argument, in more than one case, do not give powers to the Appeal Court to amend a conviction in any matter of substance in which it may be defective. For it is a rule of law that general words (as “or otherwise”) following a particular word (as “form”) do not enlarge the meaning of the particular word (so as to mean here “form or substance”). Were it otherwise, it might be a temptation to be careless in the preparation of convictions that are to affect criminally the liberty and property of the subject; trusting, perhaps, that the Appeal Court would really try the case. In other words, under existing arrangements, that would mean to leave the Supreme Court Judge to try cases which the *Summary Conviction Act* was passed expressly to prevent him from touching. Even specially enacting, in substance (sec. 71, cap. 31), that no conviction made in appeal to the County Court shall be quashed for want of form, “or be removed by *Certiorari* into the Supreme Court.”

To come now to the matter more immediately before me for decision.

The amended conviction now returned to the Court under the *Certiorari* disposes of several of *Mr. Drake's* objections, such for instance as charging the offence disjunctively or in the alternative. That is now clearly shewn to have been done, in proper form, at the trial itself.

Then, again, the insertion of the names of the persons who were present when the liquor was sold, which is quite correct, and so forth.

There is no weight in his contention that this being an isolated case of sale, as a man selling off his stock of wines was not the carrying on of a trade or business. The fitting up of the bar-room of the International Hotel with a stock of intoxicating liquors and all the usual appliances for keeping bar, the “exposure” of all these allurements “to the public gaze” (as the conviction somewhat comically expresses it), inviting thereby who would to come in and drink, coupled with even a single sale to five people, certainly brings Stephen Jones within the Act for selling liquor without a licence.

The argument that he sold this liquor to try a right and is therefore not a proper object for a conviction—because he had paid certain Justices of the Peace \$30 for a rural liquor licence—is utterly valueless. It was a right he had no right to try; for unless he had the sanction of a majority of the Bench for granting licences, the receipt or authority of only three of them would be worse than useless—it would be dangerous.

But it was argued he had the certificate of two of the licensing Magistrates, and the Act only requires the certificate of two. The answer is obvious and immediate. If the two represented and gave effect by their certificate to the views and decision of the majority of the licensing Magistrates, their certificate would be of full force, otherwise, as in this case, void and of none effect.

The objection, however, as to the deviation of the conviction from the law in the infliction of the penalty, stands upon a different basis.

The Legislature in the exercise of its functions has ordained, not only shall there be a penalty, which the Magistrates may inflict for the infraction of the law, varying according as the circumstances of the case in their discretion require, up to \$250—but that the culprit shall not escape without also paying a certain fixed sum which the Magistrates cannot vary, diminish, or increase,—namely, the very licence fee which he has tried to avoid.

That is especially made a separate sum, and for obvious reasons; but for the purpose of recovery and levy by distress, may be collected together as one sum.

That is not a mere legal technicality or quibble, as at first sight it might to untrained eyes appear, nor is it capable of amendment. It is a defect in substance which cannot be cured, and is fatal to the conviction.

It must be remembered that summary convictions for offences are the result of an Act of Parliament, which, as it takes away the right of trial by jury and abridges the liberty of the subject, (in the words of *Chief Justice Best*) “ought to receive the strictest construction; nothing should be holden to come under its operation that is not expressly within the letter and spirit of the Act.”

*Lord Chief Justice Holt*, in speaking of it, says:—“That it is penal is plain from the penalty; and what is highly so, the defendant is put to a summary trial different from *Magna Charta*, for it is the fundamental privilege of an Englishman to be tried by jury.”

*Lord Kenyon* (in *R. v. Jukes*, 8 T. R. 544) and *Lord Mansfield* (in *R. v. Little, Burr.*) say:—“Convictions must be taken strictly, and it is reasonable they should be so, because they must be taken as true against the defendant, therefore ought to be construed with strictness.”

*Mr. Justice Ashurst* [*R. v. Green*, Cald. 391, and *R. v. Pain*, 7 D. & R. 678; 3 D. & R. *Mag. Cas.* 517, per *Abbott, C.J.*] also affirms the view “That the construction ought to be more strict upon convictions than upon indictments; and the reason is—because the jurisdiction is summary.”

These rigid maxims have no doubt been tempered by a longer experience of the benefits of the Summary Convictions Act, but the principle of construction remains the same, although in practice the Courts have in certain cases allowed considerable latitude of presumption to support convictions; but where such has been allowed,—in, I believe, every case it has only been, where the use of certain technical forms has been dispensed with, and where it could be done consistently with the utmost precision in the statement of facts.

“The Court can intend nothing in favour of convictions, and will intend nothing against them.”—[*R. v. Hazell*, 13 East. 141.]

But jurisdiction must always appear on the face of proceedings before Magistrates—whether on warrants to arrest, commitments, or orders, or convictions, or inquisitions. These ought to shew their authority on the face of them by direct averment or by reasonable intendment. And while incidentally on the point of the strictness with which penal statutes are construed, and the first thing they have to look to before acting—viz., jurisdiction,—I would remark, for the benefit of Justices generally, the rule for jurisdiction is that nothing shall be intended out of the jurisdiction of a Superior Court but that which specially appears to be so; nothing shall be intended to be within the jurisdiction of an inferior Court but that which is expressly so alleged. And the Magistrates' Court is an inferior jurisdiction.

Now, as to this particular penalty. The Magistrate can in general impose no other than the precise penalty directed by the statute; neither more nor less.

A judgment for too little is as bad as a judgment for too much,—and that is the case here. In this respect the conviction is bad.

Next, as to that portion of the decision which makes the penalty payable to a particular person not prescribed by the Act. That is also beyond the power of the Magistrates. Granting it to be a convenience where there is no Clerk of the Court, still it is *ultra vires*. For if paid to any other person than the one named, it is not paid at all, and would be of no effect to release the defendant from prison. The Magistrates cannot make law any more than higher Judges can. There would have been no one to whom to pay it had Campbell suddenly died before payment. In that respect also the conviction is defective. It should have been simply “to be paid and applied according to law.” The law then steps in and declares who is to receive and levy the penalty. Naming a particular person for the purpose merely places a restriction on the law not warranted by law. Neither is it in accord with the minutes of the Esquimalt Magistrates, which are very carefully and well kept, exhibiting more than usual skill and acumen. In that respect therefore, also, the conviction is defective. And a conviction stands or falls as a whole. In this case, having come short in material points, it must go, but without costs.

Conviction quashed accordingly.

HENRY P. PELLEW CREASE, J.

October 13th, 1881.

*Mr. A. E. B. Davie* and *Mr. Eli Harrison, Jr.* for the Justices. *Mr. Drake* for the Appellant.



**"CROWN GRANTS ORDINANCE, 1870."****LILLOOET DISTRICT.**

NOTICE IS HEREBY GIVEN, that I shall, in pursuance of the provisions of the "Crown Grants Ordinance, 1870," and at the expiration of three calendar months from the date hereof, recommend the issue of a Crown Grant to ISAAC OPPENHEIMER and DAVID OPPENHEIMER, of all those pieces or parcels of land, situate in Lillooet District, consisting of a Pre-emption Claim situate at the upper end of Lake La Hache, about the 117-mile post, on the wagon road, and a Pre-emption Purchase Claim adjoining the first mentioned claim, containing together 320 acres, more or less, and commonly known as "The Gannon Ranch," unless objection be made to me, in writing, in the meantime against the issue thereof.

H. B. W. AIKMAN,  
*Registrar-General.*

*Land Registry Office,  
Victoria, 5th November, 1881.*

**NOTICE.**

I HEREBY GIVE NOTICE that I intend to apply to the Chief Commissioner of Lands and Works to purchase One hundred and sixty (160) acres of land, at the mouth of Okaman River, on the East side of Tofino Inlet, Vancouver Island (Latitude by chart 49° 8' 30"); running from a post at the mouth of said river, in a S. E. direction, along bank of river about fifty chains, and a sufficient distance back from said river to enclose 160 acres.

No minerals or mining claims are known to exist in the neighbourhood.

HUGH MCKAY.

*Victoria, 22nd October, 1881.*

**GOLD COMMISSIONER'S NOTICE.****CASSIAR.**

ON AND AFTER the 1st day of October next, all Mining Claims in the Cassiar District may be laid over till the 15th day of June, 1882, subject to the 9th Section of the "Gold Mining Amendment Act, 1872."

A. W. VOWELL,  
*Gold Commissioner.*  
*Laketon,  
17th September, 1881.*

**NOTICE.**

ON AND AFTER 1st November next, all Mineral and Mining Claims in the Cariboo District may be laid over till the 20th day of May, 1882, subject to the 9th Section of the "Gold Mining Amendment Act, 1872."

JOHN BOWRON,  
*Gold Commissioner.*  
*Richfield,  
October 5th, 1881.*

**PRIVATE BILL.**

NOTICE IS HEREBY GIVEN that D. M. EBERTS, of Victoria, B. C., intends to apply, at the next Session of the Provincial Legislature, for a Private Bill, authorizing his call to the Bar of the Supreme Court of British Columbia.

Dated 23rd December, 1881.

**PRIVATE BILL.**

NOTICE IS HEREBY GIVEN that application will be made to the Legislative Assembly of the Province of British Columbia, at its next Session, for an Act to incorporate a Company to construct and work a Railway from some point on Burrard Inlet to some point on or near Semiahmoo Bay, in the District of New Westminster.

J. ROLAND HETT,  
*Solicitor for the Applicants.*  
*Langley St., Victoria,  
November 25th, 1881.*

**IN THE LAND REGISTRY OFFICE.**

*In the matter of the "Land Registry Ordinance, 1870,*  
*and*

*In the matter of the application of CHARLES EDWARD POOLEY and ISAAC BIRCH FISHER, for a Certificate of Indefeasible Title to New Westminster City Lots Nos. 1 and 2, Block 2; Lots Nos. 23 and 26, Block 22; Lot No. 7, Block 23; Lot No. 12, Block 28; and Lots Nos. 7 and 8, Block 34; Suburban Lots Nos. 14 and 15, Block 4; and Lot 9, Block 9. Also, Lot No. 10, Group 2, New Westminster District.*

NOTICE IS HEREBY GIVEN, that a Certificate of Indefeasible Title to the above-mentioned Lots will be issued to the above-named Charles Edward Pooley and Isaac Birch Fisher, on the 20th day of January next, unless a valid objection thereto be made to the undersigned in the meantime, in writing, by some person or persons having an estate or interest in said lots or any of them.

Dated 13th October, 1881.

H. B. W. AIKMAN,  
*Registrar-General.*

**NOTICE.**

NOTICE IS HEREBY GIVEN that I intend to make application to the Chief Commissioner of Lands and Works to purchase one hundred and sixty acres of land, situated on the South side of Rivers Inlet; commencing at a N.E. post, thence running 40 chains on front of inlet, crossing a small creek; thence 40 chains S.W.; thence 40 chains S.E.; and 40 chains to point of commencement.

No mines or minerals are known to exist in the neighbourhood.

ROBERT DRANEY.

*Victoria, B.C.,  
18th November, 1881.*

**GOLD COMMISSIONER'S NOTICE.**

ON AND AFTER this date all Gold Mining and Mineral Claims in Yale District will be laid over until the 1st May, 1882, subject to the 9th Section of the "Gold Mining Amendment Act, 1872."

GEO. A. WALKEM,  
*Gold Commissioner.*  
*Victoria, B.C.,  
15th November, 1881.*

**PRIVATE BILL.**

NOTICE IS HEREBY GIVEN that JOHN PATMORE WALLS, of Victoria, British Columbia, intends to apply, at the next Session of the Provincial Legislature, for a Private Bill, authorizing his call to the Bar of the Supreme Court of British Columbia.

Dated the 24th day of November, 1881.

**PRIVATE BILL.**

NOTICE IS HEREBY GIVEN that application will be made to the Legislative Assembly of the Province of British Columbia, at its next Session, for an Act to incorporate a Company to construct and work a Railway from some point on the main line of the Canadian Pacific Railway, at or near the valley of Pitt River, to some point on English Bay, or, on Burrard Inlet, west of Hastings Mill, in the District of New Westminster.

J. ROLAND HETT,  
*Solicitor for the Applicants.*  
*Langley St., Victoria,  
November 25th, 1881.*

**NOTICE.**

NOTICE IS HEREBY GIVEN that application will be made, at the next Session of the Legislative Assembly, for a Private Bill to enable me, the undersigned, to be admitted to practice as a Solicitor and Barrister in the Supreme Court and other Courts of the Province of British Columbia, subject to my passing the necessary legal examinations before Examiners to be appointed.

Dated 8th December, 1881.

ANDREW LEAMY.



NOTICE.

NOTICE IS HEREBY GIVEN that I intend to make application to purchase One hundred and sixty (160) acres of land, situated on the South side of the Naas River, about five miles above the old fort. No mines or mineral lands are known to exist in the vicinity.

JAMES GRAY.

Naas River, October 20th, 1881.

NOTICE.

NOTICE IS HEREBY GIVEN that I intend to apply to the Chief Commissioner of Lands and Works for permission to purchase one hundred and sixty (160) acres of land, situated on the North bank of Naas River: Commencing at a stake marked A, on a point about one mile above Graveyard Point, and following the bank of said river upwards, for a distance of eighty chains, to a stake marked B; thence in a Northerly direction, a distance of twenty chains, to a stake marked C; thence in a Westerly direction, a distance of eighty chains, to a stake marked D; thence in a Southerly direction, twenty chains, to point of commencement.

No mining or mineral lands are known to exist in the neighbourhood.

GEORGE ROBINSON.

Naas River, October 20th, 1881.

NOTICE.

NOTICE IS HEREBY GIVEN that I intend to make application to purchase three hundred and twenty (320) acres of land, situated as follows:—

One hundred and sixty (160) acres on the West shore of Iceberg Bay, at a point known as Double Point; commencing at a post, marked A, on the shore line; thence Westerly, 40 chains, to a post marked B; thence Southerly, 40 chains, to a post marked C; thence Easterly, to a post marked D, on the coast line, 40 chains; thence following the shore line, and including mud flats and two small islands, to the place of commencement; as also one hundred and sixty (160) acres situated on the South shore of Naas River, commencing at a post marked A, near Leading Point, running East along the shore line, 80 chains, to post B; thence South, 20 chains, to post C; thence West, 80 chains, to post D; thence North, 20 chains, to place of commencement.

No mining claims or mineral lands are known to exist in the neighbourhood.

J. D. WARREN.

Victoria, 7th November, 1881.

NOTICE.

NOTICE IS HEREBY GIVEN that application will be made, at the next Session of the Legislature of British Columbia, for an Act authorising The Trust and Loan Company of Canada to carry on business as a Loan Company in the Province of British Columbia, with like powers as are now possessed by said Company in the Provinces of Ontario and Quebec, and to allow said Company to contract for and recover such rate of interest as may be agreed upon with borrowers, and for other purposes.

Dated 24th November, 1881.

MACDONALD, MACDONALD & MARSH,  
*Solicitors for Applicants.*

PRIVATE BILL.

NOTICE IS HEREBY GIVEN, that CHARLES WILSON, of Barkerville, Cariboo, intends to apply, at the next Session of the Provincial Legislature, for a Private Bill, authorizing his call to the Bar of the Supreme Court of British Columbia and his admission as a Solicitor therein, upon his passing the necessary examination.

Dated 16th November, A.D. 1881.

NOTICE.

NOTICE IS HEREBY GIVEN that I intend to apply to the Legislative Assembly of British Columbia, at its next Session, for an Act to enable me to be called to the Bar of British Columbia.

Dated November 1st, 1881.

G. E. CORBOULD.

NOTICE.

NOTICE IS HEREBY GIVEN that application will be made, at the next Session of the Legislative Assembly, for a Private Bill to enable me, the undersigned, to be admitted to practice as a Solicitor and Barrister in the Supreme Court and other Courts of the Province of British Columbia, subject to my passing the necessary legal examinations before Examiners to be appointed.

Dated 8th day of November, 1881.

SAMUEL PERRY MILLS,  
*The Petitioner in Person.*

SALE OF LAND FOR TAXES.

Taxes remaining unpaid in the Hope and Yale Polling Divisions of Yale District, under the Assessment Acts.

No. on Roll.	Name of person assessed.	Description of Tax.	Description of the Parcels, Sections, or Lots.	Amount.
54	York, Thomas .....	Real Property .....	Block 17, Lot 14 .....	\$ 1 00
71	Henderson, J. H. ....	" .....	Suburban 5, Lot 2 .....	3 50
23 )	Brown, W. H. ....	" .....		
113 )	Cran, James, Agent. ....	" .....	Hope Town—Block 4, Lot 4 (No. 23, 1880 \$1; '81 \$1.50)	2 50
131	Gascoigne, J. R. ....	" .....	" " XI, " 8 .....	1 50
152	Uren, James. ....	" .....	Suburban Lands, Hope—Block 1, Lot 19 .....	75
179	Evans, William .....	" .....	Country Lands—Lot 11, Group 1, 4 acres .....	75
184 & 185	Farr, Joseph .....	Real & Personal Property .....	" " 31, 32, " 1, 163 " .....	37 35
189	Agassiz, L. A. ....	Real Property .....	" " 36, " 1, 189 " .....	6 50
190	Agassiz, J. B. ....	" .....	" " 37, " 1, 160 " .....	5 20
193 & 194	{ Charles, William } Trustees..	" & Wild L. ....	" " 10, G. 1, 119 ac., L. 19, G. 1, 684 ac.	72 54
	{ Woods, C. T. }			
42 & 200	Lempriere, A. R. ....	" .....	Hope—Lot 1, G. 1 (1879 \$9 18; 1880 \$9 18; 1881 \$11 52)	29 88
209	Croft, Edward .....	" .....	" " 10, Group 1, 53 acres .....	4 18
246	Tin, Ah .....	Personal Property .....		1 00
247	Churton, Arthur .....	Real & Personal Property .....	Douglas Street, Yale, Railroad Hotel .....	5 50

And, in accordance with the law, I hereby give notice that I shall offer for sale, by Public Auction, any lands of persons assessed by me on which taxes, including Personal Property Tax, together with the cost of advertising and other expenses, remaining unpaid on the day of sale.

Under the Statute, persons liable to pay taxes imposed by the Assessment Acts, are personally liable for the amount thereof, and all lands of such persons situate within the Province are also liable therefor. The taxes are a charge on such lands, having preference over any claim, lien, privilege, or incumbrance of any party, except the Crown, and does not require Registration to preserve it.

The above sale will take place on the 20th January, 1882, at Yale, at 12 o'clock noon.

W. DEWDNEY,  
*Assessor and Collector.*

Yale, B. C.,  
28th November, 1881.

